

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SHIRLEY CHAPLAIN,)	
)	
Plaintiff,)	
)	
v.)	
)	05-2557 Ml/V
OIL CAPITOL RELOCATION, INC.,)	
TRANSGUARD INSURANCE COMPANY,)	
and ALLIED VAN LINES, INC.,)	
)	
Defendants.)	
)	

AMENDED ORDER GRANTING DEFENDANTS' MOTION TO DISMISS¹

Before the Court is Defendants' Motion to Dismiss, filed August 12, 2005. On September 7, 2005, the Court granted Plaintiff's Motion for Extension of Time, and ordered that Plaintiff respond to Defendants' motion to dismiss within thirty (30) days from the entry of that order. A response to Defendants' motion was due on or before October 10, 2005. On November 8, 2005, the Court entered an Order to Show Cause. Plaintiff's response was due on November 22, 2005. On December 13, 2005, the Court entered a second Order to Show Cause. To date, Plaintiff has not filed a response.²

¹ The order entered January 10, 2006 is hereby vacated.

² On December 19, 2005, Plaintiff sent a letter to the Court, in which she indicated her willingness to accept an offer of settlement made at some unspecified time. (Docket No. 11.) However, Plaintiff has failed to file an amended complaint or to otherwise respond to Defendants' motion to dismiss.

Defendants contend that Plaintiff's civil warrant filed in General Sessions Court of Shelby County does not comply with the Federal Rules of Civil Procedure. In particular, Defendants note that the civil warrant "contains no statement of facts, no allegations of liability, no statement of claims to support a claim for relief, and no specific demand for judgment." (Defs.' Mot. to Dismiss ¶ 5.) Accordingly, the Court GRANTS Defendants' motion. Plaintiff's Civil Warrant is hereby DISMISSED without prejudice.

So ORDERED this 13th day of January, 2006.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE